

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

THE STATE OF TEXAS, et al.,	§	
	§	
Plaintiffs,	§	
v.	§	Civil Action No. 4:20-cv-00957-SDJ
	§	
GOOGLE LLC,	§	
	§	
Defendant.	§	

**GOOGLE LLC’S UNOPPOSED MOTION
FOR LEAVE TO FILE UNDER SEAL**

Plaintiff Defendant Google LLC (“Google”) respectfully moves the Court for leave to file under seal its Response to Plaintiff States’ Objection to Report and Recommendation and Exhibits B and C filed on May 16, 2024. Pursuant to Rule CV-5(a)(7), Google will file redacted copies of these exhibits within seven days.

LEGAL STANDARD

While “[t]here is a strong presumption in favor of a common law right of public access to court proceedings,” *United States v. Holy Land Found. for Relief & Dev.*, 624 F.3d 685, 690 (5th Cir. 2010), the “right to inspect and copy judicial records is not absolute,” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 (1978). For example, courts have recognized that the public’s right to access is appropriately limited to protect individual privacy, *Pugh v. Walmart Stores, Inc. Texas Inj. Care Benefit Plan*, No. 1:16-CV-490, 2017 WL 11664888, at *1 (E.D. Tex. May 30, 2017), and “sources of business information that might harm a litigant’s competitive standing,” *Nixon*, 435 U.S. at 598. In exercising its discretion to seal judicial records, “the Court must balance the public’s common law right of access against the interests favoring nondisclosure.” *S.E.C. v.*

Van Waeyenberghe, 990 F.2d 845, 848 (5th Cir. 1993); *Binh Hoa Le v. Exeter Fin. Corp.*, 990 F.3d 410, 419 (5th Cir. 2021) (directing courts to balance right of access against interest of nondisclosure).

ARGUMENT

Google moves to file under seal its Response and Exhibits B and C. The exhibits include the deposition transcript from the 30(b)(6) deposition of Walmart, which has been designated as highly confidential. Moreover, these materials refer to the names of third parties contacted as part of Texas's investigation. Similar materials have been sealed from other filings. *See* ECF No. 272, 406. The Response quotes from or summarizes these materials. The parties will file unredacted versions of the exhibits on the docket within 7 days.

CONCLUSION

For the foregoing reasons, Google's motion to seal the Response and Exhibit B and C should be granted.

Dated: May 16, 2024

Respectfully submitted,

/s/ R. Paul Yetter

R. Paul Yetter

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ATTORNEYS FOR GOOGLE LLC

CERTIFICATE OF SERVICE

I certify that on May 16, 2024, this document was filed electronically in compliance with Local Rule CV-5(a) and served on all counsel who have consented to electronic service, per Local Rule CV-5(a)(3)(A).

/s/ R. Paul Yetter
R. Paul Yetter

CERTIFICATE OF CONFERENCE

I hereby certify that the meet and confer requirements in Local Rule CV-7(h) have been met. This motion is consented to and not opposed by any party.

/s/ R. Paul Yetter
R. Paul Yetter